

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

DEC 20 2005

DAVID J. MALAND, CLERK
BY
DEPUTY _____

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

PAICE, LLC,

Plaintiff,

v.

TOYOTA MOTOR CORP., ET. AL.,

Defendants.

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CIVIL ACTION NO. 2:04-CV-211 (DF)

VERDICT FORM

You, the jury are to answer the following questions based on the evidence admitted at trial and according to the Instructions the Court has given you. Start with Question No. 1 and proceed through the questions following the directions included in this Verdict Form.

Question No. 1:

Has Paice proven by a preponderance of the evidence that the 2004 and later model year Toyota Prius infringes any of following claims of the patents in suit?

Answer "Yes" or "No" for each claim in each patent listed below.

		Literal Infringement	Infringement under the doctrine of equivalents
'970 Patent			
Claim 7	Answer:	<u>NO</u>	<u>NO</u>
Claim 8	Answer:		<u>NO</u>
Claim 11	Answer:	<u>NO</u>	<u>yes</u>
Claim 39	Answer:	<u>NO</u>	<u>yes</u>

If, and only if, you find infringement under the doctrine of equivalents for a particular claim, list which element or elements of the 2004 and later model year Toyota Prius you find equivalent and the corresponding limitation or limitations of the claim. Use additional space if necessary.

Claim No.	Element(s)	Claim Limitation(s)
<u>11</u>	<u>Planet. Gear Asm.</u>	<u>controlable torque transfer</u>
<u>39</u>	<u>Planet. Gear Asm.</u>	<u>Controlable torque transfer</u>

		Literal Infringement	Infringement under the doctrine of equivalents
'672 Patent			
Claim 15	Answer:	<u>NO</u>	<u>NO</u>
Claim 16	Answer:	<u>NO</u>	<u>NO</u>

If, and only if, you find infringement under the doctrine of equivalents for a particular claim, list which element or elements of the 2004 and later model year Toyota Prius you find equivalent and the corresponding limitation or limitations of the claim. Use additional space if necessary.

Claim No.	Element(s)	Claim Limitation(s)
_____	_____	_____
_____	_____	_____

		Literal Infringement	Infringement under the doctrine of equivalents
'088 Patent			
Claim 1	Answer:	<u>no</u>	<u>no</u>
Claim 2	Answer:	<u>no</u>	<u>no</u>
Claim 3	Answer:	<u>no</u>	<u>no</u>

If, and only if, you find infringement under the doctrine of equivalents for a particular claim, list which element or elements of the 2004 and later model year Toyota Prius you find equivalent and the corresponding limitation or limitations of the claim. Use additional space if necessary.

Claim No.	Element(s)	Claim Limitation(s)
_____	_____	_____
_____	_____	_____
_____	_____	_____

Question No. 2:

Has Paice proven by a preponderance of the evidence that the Toyota Highlander/Lexus RX400H infringes any of following claims of the patents in suit?

Answer "Yes" or "No" for each claim of each patent listed below.

		Literal Infringement	Infringement under the doctrine of equivalents
'970 Patent			
Claim 7	Answer:	<u>NO</u>	<u>NO</u>
Claim 8	Answer:		<u>NO</u>
Claim 11	Answer:	<u>NO</u>	<u>yes</u>
Claim 39	Answer:	<u>NO</u>	<u>yes</u>

If, and only if, you find infringement under the doctrine of equivalents for a particular claim, list which element or elements of the Toyota Highlander/Lexus RX400H you find equivalent and the corresponding limitation or limitations of the claim. Use additional space if necessary.

Claim No.	Element(s)	Claim Limitation(s)
<u>11</u>	<u>Planetary Gear Assm.</u>	<u>controlable torque transfer</u>
<u>39</u>	<u>Planetary Gear Assm.</u>	<u>controlable torque transfer</u>

Literal Infringement**Infringement under
the doctrine of
equivalents****'672 Patent**

Claim 15	Answer:	<u>NO</u>	<u>NO</u>
Claim 16	Answer:	<u>NO</u>	<u>NO</u>
Claim 26	Answer:	<u>NO</u>	<u>NO</u>

If, and only if, you find infringement under the doctrine of equivalents for a particular claim, list which element or elements of the Toyota Highlander/Lexus RX400H you find equivalent and the corresponding limitation or limitations of the claim. Use additional space if necessary.

Claim No.	Element(s)	Claim Limitation(s)
_____	_____	_____
_____	_____	_____
_____	_____	_____

	Literal Infringement	Infringement under the doctrine of equivalents
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'088 Patent

Claim 1	Answer:	<u>NO</u>	<u>NO</u>
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If, and only if, you find infringement under the doctrine of equivalents for a particular claim, list which element or elements of the Toyota Highlander/Lexus RX400H you find equivalent and the corresponding limitation or limitations of the claim. Use additional space if necessary.

Claim No.	Element(s)	Claim Limitation(s)
_____	_____	_____

Question No. 3:

Has Paice proven by clear and convincing evidence that Toyota's infringement, if any, of the claims of any of the patents in suit was willful?

Answer "Yes" or "No" for each patent listed below.

'970 Patent Answer: NO

'672 Patent Answer: NO

'088 Patent Answer: NO

Question No. 4:

Has Toyota proven by clear and convincing evidence that any of the claims of the patents in suit are invalid by anticipation?

Answer "Yes" or "No" for each claim listed below:

'672 Patent

Claim 15 Answer: NO

Claim 16 Answer: NO

Claim 26 Answer: NO

'088 Patent

Claim 1 Answer: NO

Claim 2 Answer: NO

Claim 3 Answer: NO

Question No. 5:

Has Toyota proven by clear and convincing evidence that any of the claims of the patents in suit are invalid for obviousness?

Answer "Yes" or "No" for each claim listed below:

'970 Patent

Claim 7	Answer:	<u>NO</u>
Claim 8	Answer:	<u>NO</u>
Claim 11	Answer:	<u>NO</u>
Claim 39	Answer:	<u>NO</u>

'672 Patent

Claim 15	Answer:	<u>NO</u>
Claim 16	Answer:	<u>NO</u>
Claim 26	Answer:	<u>NO</u>

'088 Patent

Claim 1	Answer:	<u>NO</u>
Claim 2	Answer:	<u>NO</u>
Claim 3	Answer:	<u>NO</u>

Question No. 6:

If you have found that any of the accused vehicles infringes any claim of the patents in suit, and the claim is valid, what is the reasonable royalty, if any, that would fairly and adequately compensate Paice for infringement?

Prius

3,348,475.⁰⁰

Highlander and RX 400H

921,475.⁰⁰

The foreperson must sign and date this verdict form:

Charles E. Wallach 12/20/2005

FOREPERSON

DATE